

SPECIAL CITY COUNCIL MEETING

JUNE 10, 1985

PRESENT

Grant S. Nielson	Mayor
Don Dafoe	Council Member
Ruth Hansen	Council Member
Neil Dutson	Council Member

ABSENT

Gayle Bunker	Council Member
Craig Greathouse	Council Member

OTHERS PRESENT

Jim Allan	City Manager
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
Jim Fletcher	KNAK
Mary Lawless	Delta Estates Resident
Corinne Murray	Delta Estates Resident
Betty Ross	Delta Estates Resident
Emma Jean Norris	Delta Estates Resident
Thomas Norris	Delta Estates Resident
Carlyle Peterson	Delta Estates Resident

There were others in attendance who did not sign the attendance roster.

Mayor Grant Nielson called the meeting to order at 5:00 p.m. Dorothy Jeffery, Delta City Recorder, acted as secretary. Mayor Nielson stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the Millard County Gazette, and the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

CONSIDERATION OF ADOPTION OF ASSESSMENT ORDINANCE REGARDING SPECIAL IMPROVEMENT DISTRICT 83-1 (DELTA ESTATES)

Mayor Nielson requested that Attorney Warren Peterson present the proposed Ordinance No. 85-94 prepared by Fox, Edwards and Gardiner regarding the assessment for Delta City Special Improvement District #1983-1. Attorney Peterson then reviewed the ordinance with the Council. The assessment of the water and sewer lines in the amount of \$2,120.73 and the water and sewer connection fees for all occupied lots in the amount of \$1,200.00 was discussed by the Council. An interest rate on the bonds of 13% was shown on page 6, section 5, which states:

... the whole or any part of the assessment for the district may be paid without interest within 15 days after this ordinance becomes effective. Any part of the assessment not paid within a 15 day period shall be payable over a period not to exceed ten years from the effective date of this ordinance in ten equal annual installments with interest on the unpaid balance of the assessment at the rate of 13% per annum from the effective date of this ordinance until due provided, however, that the interest rate on the assessment shall be adjusted to the rate or rates of the assessment bond to be issued as of the date of said bonds.

Attorney Peterson explained that this section of the ordinance means that the interest rate will be adjusted at the time of the sale of the bonds to the face amount of the bond. Mayor Nielson reported that at the present time the interest rate is expected to be approximately 10%.

Council Member Don Dafoe questioned Section 9 of the proposed ordinance. It was the opinion of the Council that Section 9 should read: "This ordinance shall be published once in the Millard County Chronicle Progress, a newspaper published and having general circulation in the issuer, and shall take effect immediately upon its passage and approval and publication as required by law."

Following further discussion of the ordinance, Council Member Don Dafoe MOVED the Council adopt Ordinance No. 85-94 entitled:

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLLS AND LEVYING A TAX PROVIDING FOR THE ASSESSMENT OF PROPERTY IN DELTA CITY, UTAH, SPECIAL IMPROVEMENT DISTRICT NO. 83-1, MILLARD COUNTY, UTAH, FOR THE PURPOSE OF PAYING THE COST OF ACQUISITION AND INSTALLATION OF WATER AND SEWER LINE EXTENSIONS AND CONNECTIONS WITHIN THE DISTRICT, AND THE PAYMENT OF WATER AND SEWER CONNECTION FEES FOR ALL OCCUPIED LOTS, AND THE COMPLETION OF ANY OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER AND WORKMANLIKE MANNER, REAFFIRMING THE ESTABLISHMENT OF A SPECIAL IMPROVEMENT GUARANTEE FUND ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE AND RELATED MATTERS

and to amend Section 9 to read "This ordinance shall be published once in the Millard County Chronicle Progress, a newspaper published and having general circulation in the issuer, and shall take effect immediately upon its passage and approval and publication as required by law.", and to insert the water/sewer line extensions in the amount of \$2,120.73 and the water and sewer connection fees in the amount of \$1,200.00. The motion was SECONDED by Council Member Ruth Hansen. Mayor Nielson then asked if there were any further comments or questions regarding the ordinance. There being none, he called for a roll call vote on the motion. The voting was as follows:

Council Member Don Dafoe	Yes
Council Member Ruth Hansen	Yes
Council Member Neil Dutson	Yes
Council Member Gayle Bunker	Absent
Council Member Craig Greathouse	Absent

The motion carried. Mayor Nielson then signed the ordinance, and it was attested by Delta City Recorder Dorothy Jeffery.

Mr. Tom Norris, resident of Delta Estates, asked to be heard by the Council. Mayor Nielson recognized Mr. Norris and invited him to address the Council. Mr. Tom Norris then asked the Council if the assessment could be paid at a later date if the property owners so desired. Attorney Peterson explained that the assessment can be paid after the bonds have been sold. However, once the bonds have placed the full amount of the assessment, including the amount of interest for the full life of the bond, would have to be paid. Therefore, there is no savings to the property owner to pay off the assessment early once the property has been included in the bonds.

Mayor Nielson recognized Mary Lawless and invited her to address the Council. Ms. Lawless asked the Council how the City can impose a deadline on the property owners for prepayment of the assessment if the actual interest rate on the bond has not yet been established. City Manager Jim Allan explained to Ms. Lawless that the bonds cannot be sold until such time as the number of lots to be assessed has been established. All property owners that have not paid the required assessment by the deadline will have their property assessment included in the final amount of the bond. At this point the bonds will be sold and the interest rate will be established on that date. Ms. Lawless then said she wanted to determine whether it would be cheaper to borrow the money and pay off the assessment immediately or to make the assessment payments on an annual basis. City Manager Allan stated that the interest rate for a ten year period would be less for the bond than it would be for a property owner to borrow the money on an individual basis.

Mayor Nielson asked if there were any further comments or questions from the audience. There being none, he thanked those in attendance for their interest and input into the meeting.

ATTORNEY WARREN PETERSON: A PROPOSED RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTY LOCATED WITHIN LOT 1, BLOCK 69, OF DELTA TOWNSITE PLAT A

Mayor Nielson requested Attorney Warren Peterson present the proposed resolution regarding condemnation of property within Lot 1 of Block 69 of Delta City for the Council's consideration and adoption. Attorney Peterson explained to the Council that the resolution was for the purpose of condemnation of certain properties in order to acquire sufficient property for the widening and improvement of 350 East Street. He further stated that all of the property owners within that location have given Delta City the required deeds needed for the street improvement project except one, and

condemnation might be used to acquire that property. Following a brief discussion of the resolution, Council Member Ruth Hansen MOVED to adopt Resolution No. 85-126 entitled:


A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA,
UTAH AUTHORIZING CONDEMNATION OF CERTAIN PROPERTIES
LOCATED WITHIN BLOCK 64 AND 69 OF DELTA TOWNSITE, PLAT
A, AND AUTHORIZING PROSECUTION OF A CIVIL ACTION TO
ACQUIRE SUCH PROPERTY BY EMINENT DOMAIN.

The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson asked if there were any further comments or questions regarding the resolution or motion. There being none, he called for a roll call vote on the motion. The voting was as follows:

Council Member Ruth Hansen	Yes
Council Member Neil Dutson	Yes
Council Member Don Dafoe	Yes
Council Member Gayle Bunker	Absent
Council Member Craig Greathouse	Absent

The motion carried. Mayor Nielson signed the resolution, after which City Recorder Dorothy Jeffery attested it.

Mayor Nielson then stated the agenda items had all been discussed and asked if there were any further items or questions from the Council. There being none, Council Member Neil Dutson MOVED the meeting be adjourned. The motion was SECONDED by Council Member Ruth Hansen. The meeting adjourned at 5:40 p.m.


GRANT S. NIELSON, Mayor

Attest: _____
DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: June 24, 1985